

ORIGINAL



0000110240

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

2010 APR 19 P 1:36

KRISTIN K. MAYES—Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR 19 2010

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE, INC. FOR A
HEARING TO DETERMINE THE FAIR
VALUE OF ITS PROPERTY FOR
RATEMAKING PURPOSES, TO FIX A
JUST AND REASONABLE RETURN
THEREON, TO APPROVE RATES
DESIGNED TO DEVELOP SUCH RETURN
AND FOR RELATED APPROVALS.

DOCKET NO. E-01575A-08-0328

IN THE MATTER OF THE APPLICATION
OF SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE, INC. FOR AN
ORDER INSTITUTING A MORATORIUM
ON NEW CONNECTIONS TO THE V-7
FEEDER LINE SERVING THE
WHETSTONE, RAIN VALLEY, ELGIN,
CANELO, SONOITA, AND PATAGONIA,
ARIZONA AREAS.

DOCKET NO. E-01575A-09-0453

**SULPHUR SPRINGS VALLEY
ELECTRIC COOPERATIVE,
INC.'S MOTION TO STRIKE
PORTIONS OF INTERVENORS'
CLOSING BRIEF**

At the March 24 – 26, 2010, 252 Hearing related to the above-captioned matters, the Administrative Law Judge (“ALJ”) ordered the parties to simultaneously file Closing Briefs by April 15, 2010. On April 15, 2010, Intervenor Susan Downing, Susan Scott, and James F. Rowley, III (collectively “Intervenors”) filed their Closing Brief. The Intervenor’s Closing Brief contains two (2) Exhibits. Exhibit One is a letter dated April 14, 2010, and Exhibit Two is another letter dated April 14, 2010 that is accompanied by a proposal dated April 9, 2010 (“collectively “Exhibits”). These Exhibits were:

(i) prepared well after the close of the evidentiary record;

(ii) not introduced by the Intervenor at the 252 Hearing; and

Snell & Wilmer

L.L.P.
LAW OFFICES
One Arizona Center, 400 E. Van Buren
Phoenix, Arizona 85004-2202
(602) 382-6000

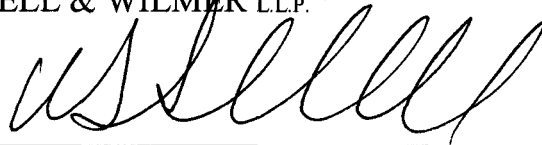
(iii) not subject to cross-examination and constitute hearsay evidence.

Accordingly, Sulphur Springs Valley Electric Cooperative, Inc. requests that the ALJ strike the Exhibits, as well as the corresponding testimony in the Intervenor's Closing Brief related to the Exhibits that is set forth on page 19, lines 10-20, and on page 21, lines 13-19.¹

RESPECTFULLY SUBMITTED this 19th day of April, 2010.

SNELL & WILMER L.L.P.

By



Bradley S. Carroll
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202
Attorneys for Sulphur Springs Valley
Electric Cooperative, Inc.

ORIGINAL and 14 copies filed this
19th day of April, 2010, with:

Docket Control
ARIZONA CORPORATION COMMISSION
1200 West Washington
Phoenix, Arizona 85007

COPIES of the foregoing hand-delivered
this 19th day of April, 2010, to:

Steve Olea, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

¹ It should be noted that at the March 20, 2010, Pre-Hearing Conference the ALJ initially determined that there would be closing arguments in lieu of closing briefs. At the March 25, 2010, 252 Hearing the ALJ informed the parties that she would "benefit from written briefs." (Hr. Tr. 284, lines 5-6.) Had closing briefs not subsequently been required and closing arguments made, the Intervenor would not have had the opportunity to inappropriately utilize their Closing Brief in an attempt to introduce additional evidence after the conclusion of the 252 Hearing and the close of the evidentiary record.

1 Wesley C. Van Cleve, Attorney
2 Charles Haines, Attorney
3 Legal Division
4 ARIZONA CORPORATION COMMISSION
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 COPY the foregoing sent via First Class
8 U.S. Mail this 19th day of April, 2010, to

9 Jane L. Rodda, Administrative Law Judge
10 Hearing Division
11 ARIZONA CORPORATION COMMISSION
12 400 West Congress
13 Tucson, AZ 85701-1347

14 Susan Scott
15 P.O. Box 178
16 Sonoita, AZ 85637

17 Susan J. Downing
18 HC 1 Box 197
19 Elgin, Arizona 85611

20 James F. Rowley, III
21 HC 1 Box 259
22 Elgin, Arizona 85611-9712

23 BY 